IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28073 of 2007(P)

PETITIONER:

JAVEED,
DIRECTOR, M/S. KOOL NEST PVT. LTD., 81,
6TH CROSS, VICTORIA LAYOUT, BANGALORE-47.

BY ADV. SRI.P.A.AUGUSTIAN,
SRI.V.K.SATHYANATHAN.

RESPONDENTS:
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1. **THE COMMISSIONER OF CUSTOMS,**
   CUSTOM HOUSE, WILLINGTON ISLAND, KOCHI-682 009.

2. **JOINT DIRECTOR,**
   DIRECTORATE OF REVENUE INTELLIGENCE NO.772,
   100 FEET ROAD, INDIRA NAGAR, HAL IIND STREET,
   BANGALORE-560 008.

BY ADV. SRI. P. PARAMESWARAN NAIR ASST. SOLICITOR GENERAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 28073 of 2007

Dated this the 26th day of September, 2007

J U D G M E N T

The prayer in this writ petition is not to seize the imported car of the petitioner. It would appear that petitioner has purchased the vehicle and thereafter proceedings were initiated against him which resulted in Exhibit-P1 order of adjudication confiscating the vehicle under the provisions of the Customs Act. and giving the petitioner to redeem the said car on payment of a fine of Rs.One lakh. Subsequently, on the very same allegation Key and the Registration Certificate have been seized by the 2nd respondent. This is evident from Exhibit-P2 Mahazar prepared on 8th may, 2007. The complaint of the petitioner is that there has not been any progress in the matte. It is also contended that the allegations were in September, 2007 an enquiry was ordered which resulted in Exhibit-P1 causing unnecessary harassment to the petitioner.

According to the Learned Counsel, the enquiry now initiated is by virtue of he provisions contained in the Customs Act. On the other hand Learned Standing Counsel for the Department would submit that coming to know of the mis-

declaration the petitioner has questioned and the petitioner is attempted to make payment. According to the Learned Standing Counsel an enquiry was ordered into the matter is still going on.

Now that enquiry is going on against the petitioner in respect of the allegations, I think it is premature of this court to appreciate the contentions raised by the Learned Standing Counsel for the petitioner on the merits of the issue. At this sage, in my view appropriate order is to direct the 2nd respondent to conclude the enquiry now pending against the petitioner, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment.

Petitioner shall given an opportunity of hearing to adduce evidence before final orders are passed.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007